



Agenda Date: 2/22/06

Agenda Item: III C

## **STATE OF NEW JERSEY**

### **Board of Public Utilities**

**Two Gateway Center**

**Newark, NJ 07102**

**[www.bpu.state.nj.us](http://www.bpu.state.nj.us)**

### CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST	)	RENEWAL
OF MONMOUTH COUNTY, LLC FOR A RENEWAL	)	<u>CERTIFICATE OF APPROVAL</u>
CERTIFICATE OF APPROVAL TO CONTINUE TO	)	
CONSTRUCT, OPERATE AND MAINTAIN A CABLE	)	
TELEVISION SYSTEM IN AND FOR THE BOROUGH	)	
OF SHREWSBURY, COUNTY OF MONMOUTH,	)	
STATE OF NEW JERSEY	)	DOCKET NO. CE05121066

(SERVICE LIST ATTACHED)

#### BY THE BOARD:

On December 14, 1978, the Board granted Mid Jersey Cable TV Co., Inc. ("Mid Jersey") a Certificate of Approval, in Docket No. 785C-6369, for the construction, operation and maintenance of a cable television system in the Borough of Shrewsbury ("Borough"). Through a series of transfers with required Board approvals, Comcast Cablevision of Monmouth County, Inc. ("Comcast") became the holder of the Certificate. On November 3, 1995, the Board issued an Order Adopting Initial Decision Settlement and Renewal Certificate of Approval to Comcast in Docket No. CE93090348. Through a series of subsequent transfers, with the required Board approvals, the current holder of the Certificate is Comcast of Monmouth County, LLC ("Petitioner"). Although by its terms the Petitioner's above referenced Certificate expired on November 3, 2005, the Petitioner is authorized to continue to provide cable television service to the Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on February 3, 2005, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on

June 20, 2005. On October 10, 2005, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On December 22, 2005, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Borough reviewed these qualifications in conjunction with the municipal consent process.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is 15 years. The Board finds this period to be of reasonable duration.
5. The Borough shall review the performance of the Petitioner with regard to the ordinance at the end of the first five years after issuance of this Certificate. If the Borough determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Borough shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Borough may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.
7. Pursuant to statutory requirements, the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Borough. In this case, it is the Borough Administrator. All complaints shall be received and processed in accordance with the applicable rules.

8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 403 South Street in the Borough of Eatontown.
9. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation.
11. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall continue to provide a dedicated municipal access channel for use by the Borough and its designees for the purpose or cablecasting non-commercial PEG access programming.
12. Within 12 months of issuance of this Certificate, the Petitioner shall provide a one time grant to the Red Bank Regional High School for the purchase of television production equipment in the name of the Borough and the Boroughs of Little Silver and Red Bank,(collectively, the "Boroughs") in the amount of \$50,000.00.
13. Within 12 months of the date of issuance of this Certificate, the Petitioner shall construct and maintain at its own cost a dedicated return line from Red Bank High School to the Petitioner's headend and shall provide all necessary equipment for the transmission of a cable television signal from Red Bank High School to the Petitioner's headend and from the Petitioner's headend to the cable television subscribers in the Boroughs on a dedicated educational and governmental access channel to be provided and maintained by the Petitioner, in lieu of the currently available system-wide public access channel. The Petitioner will attempt to provide the dedicated educational and governmental channel to all subscribers in the Boroughs but due to technical constraints, limited areas may continue to receive the system-wide access channel. If the Boroughs forego the right to require construction of the dedicated access channel, the Petitioner shall increase the grant provided to Red Bank High School from \$50,000.00 to \$75,000.00.

14. Within 12 months of the date of issuance of this Certificate, the Petitioner shall pay to the Borough a one-time capital contribution in the amount of \$12,000.00. Upon satisfaction of this obligation, the Petitioner shall submit proof of compliance to the Office of Cable Television.
15. The Petitioner shall provide or continue to provide the standard installation and monthly basic service, free of charge, to the Borough Elementary School and school library, the municipal building, police department, firehouse, first aid building, the historical building and the public works building, that is located or may be constructed within the Borough, provided that the facility is within 200 feet of active cable distribution plant.
16. Pursuant to the side letter of agreement between the parties dated March 9, 2005 and referenced in the ordinance at Section 15e, the Petitioner shall continue to provide networked high-speed Internet access service to the Borough's municipal building free of charge.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.


Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

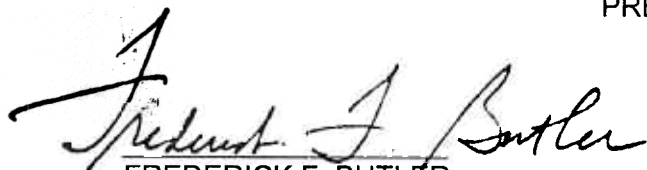
This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

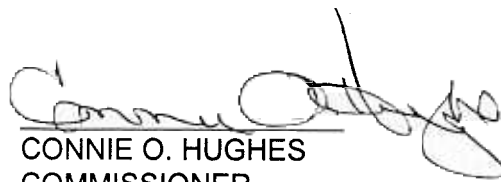
This Certificate shall expire on November 3, 2020.

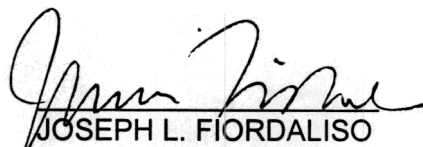
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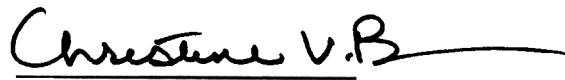
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BY:

  
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PRESIDENT

  
FREDERICK F. BUTLER  
COMMISSIONER

  
CONNIE O. HUGHES  
COMMISSIONER

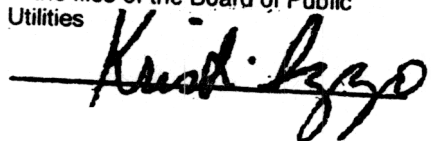
  
JOSEPH L. FIORDALISO  
COMMISSIONER

  
CHRISTINE V. BATOR  
COMMISSIONER

ATTEST:

  
KRISTI IZZO  
SECRETARY

I HEREBY CERTIFY that the within  
document is a true copy of the original  
in the files of the Board of Public  
Utilities



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